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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/032,905	11/01/2001	Risto Makipaa	01-1602	1055

7590 09/09/2004

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EXAMINER

BHATTACHARYA, SAM

ART UNIT	PAPER NUMBER
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2685

DATE MAILED: 09/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/032,905	<b>Applicant(s)</b> MAKIPAA, RISTO	
	<b>Examiner</b> Sam Bhattacharya	<b>Art Unit</b> 2685	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,5 and 7-13 is/are rejected.
- 7) ☒ Claim(s) 4 and 6 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/13/02</u> . | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 1 is objected to because of the following informality: the term "be" in claim 1, line 11, should be deleted. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 5 and 7-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Tegler et al. (WO 98/56181).

Regarding claims 1, 12 and 13, Tegler et al. disclose a telecommunications system comprising a broadband wired network (between the distribution center DC and the set-top box STB) and a narrower-band wired network (between the mobile switching center MSC and the interactive center IC) for transmitting broadcast and on-demand services, and a network adapter (IC) between these two, the narrower-band wired network being configured to transmit the services to at least one terminal (STB), wherein the network adapter is operationally connected to a base station (BTS) of a wireless local area network operated by the broadband wired network; the terminal is inherently operationally connected to a transceiver of the wireless local area network (since communication occurs in both directions between the terminal and the base station); and data transmission from the terminal to the broadband wired network is configured to take

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place through the network adapter in the wireless local area network. See Figure 1, page 4, line 14 – page 6, line 14, and the Abstract.

Additionally regarding claims 1, 12 and 13 as well as claims 2, 3, 5 and 9-11, please note that the use of the term “configured” in these claims renders the corresponding recitations intended use limitations. Accordingly, the claimed system is not distinguished from Tegler et al. by these limitations. See M.P.E.P. 2114 and *Ex parte Masham*, 2 USPQ2d 1647 (1987).

Regarding claim 7, Tegler et al. disclose that the terminal comprises a set-top-box connected to a TV.

Regarding claim 8, Tegler et al. disclose that the terminal comprises a video interface card (video decoder) connected to a computer. See Figure 2.

#### ***Allowable Subject Matter***

3. Claims 4 and 6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

4. The following is a statement of reasons for the indication of allowable subject matter: the prior art of record fails to disclose a combination of elements in a telecommunication system, including a wireless LAN that is based on spread spectrum technology and signaling parameters generated by the network adapter that includes codes for determining a signaling channel, as required by claim 4; a broadband wired network, narrower-band wired network and a network adapter between these two forming

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an HFC network (Hybrid Fibre Coax), the broadband network being an optical fiber network and the narrowband network a coaxial cable network, as required by claim 6.

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kwok (US 5,734,652) discloses an ATM cable network including several set top boxes.

Howe et al. (US 5,818,438) disclose a system that provides interactive TV services.

Zendle et al. (US 6,628,627 B1) disclose a wireless broadcasting system including a computer control system that controls a set top unit and multimedia devices.

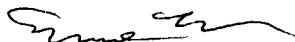
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sam Bhattacharya whose telephone number is (703) 605-1171. The examiner can normally be reached on 8:30 a.m. to 5:00 p.m., Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward F. Urban can be reached on (703) 305-4385. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

sb

  
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